

1 E. LEIF REID, SBN 5750
DARREN J. LEMIEUX, SBN 9615
2 MARLA J. HUDGENS, SBN 11098
NICOLE SCOTT, SBN 13757
3 LEWIS ROCA ROTHGERBER CHRISTIE LLP
One East Liberty Street, Suite 300
4 Reno, NV 89501-2128
Tel: 775.823.2900
5 Fax: 775.823.2929
E-mail: lreid@lrrc.com
6 dlemieux@lrrc.com
mhudgens@lrrc.com
7 nscott@lrrc.com

8 *Attorneys for Plaintiff*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 BONANZA BEVERAGE CO., A Nevada
corporation,

12 Plaintiff,

13 v.

14 MILLERCOORS LLC, a Delaware limited
15 liability company,

16 Defendant.

CASE NO. 2:18-CV-01445-JAD-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINES
UNDER ORDER [ECF NO. 135]**

(First Request)

17 Plaintiff Bonanza Beverage Co. (“Bonanza”), by and through its undersigned counsel,
18 and Defendant MillerCoors LLC (“MillerCoors”), by and through its undersigned counsel,
19 (collectively, the “Parties”) hereby stipulate to extend the deadlines under this Court’s Order
20 [ECF No. 135] (“Order”). This is the first stipulation for extension of time related to the Order,
21 which is necessitated by a change in the originally scheduled November 1, 2019, mediation
22 date, to November 13, 2019.

23 The Order resulted from the Parties’ Joint Motion to Stay Discovery [ECF No. 134],
24 where the Parties requested to stay all discovery in this matter pending their continued
25 settlement discussions and an upcoming mediation in Las Vegas that was originally scheduled
26 for November 1, 2019. *See id.* The Court granted the stay in part, and ordered the Parties “to
27 submit a status report regarding the outcome of th[e] mediation no later than November 7,
28

2019” [ECF No. 135.] The Court further ordered that “discovery in this matter shall be stayed until and through November 7, 2019.” *Id.*

The Parties now inform the Court that, because of availability of the principals, the mediation date was moved to November 13, 2019. The Parties stipulate and are therefore requesting that the Order’s deadlines be extended accordingly as described below. As grounds for this relief, the Parties provide the Court with a summary of the status of discovery and argument in support of a stay.

I. DISCOVERY STATUS

A. Discovery that has been completed.

1. The Parties served their initial disclosures on September 24, 2018, and each side has timely supplemented those disclosures.

2. Bonanza served its first set of discovery requests on September 28, 2018.

3. MillerCoors served its first set of discovery requests on October 19, 2018.

4. MillerCoors served its responses to Bonanza's first set of discovery requests on October 29, 2018 and supplemented those responses on November 19, 2018 and February 14, 2019.

5. Bonanza served its responses to MillerCoors first set of discovery requests on November 19, 2018 and supplemented those responses on December 18, 2018 and January 31, 2019.

6. The Parties served initial expert disclosures on December 14, 2018.

7. The Parties served and received responses to subpoenas *duces tecum* to third parties.

B. Discovery that remains.

1. Written Discovery.

The Parties may serve additional written discovery requests on each other. The Parties may pursue additional third-party discovery.

2. Depositions.

1 The Parties have indicated that each side may take up to ten (10) depositions of certain
2 individuals listed in their respective initial disclosures, as well as depositions of experts and
3 rebuttal experts. Although the Parties initially scheduled depositions of some key witnesses in
4 December 2018 and January 2019, the Parties ultimately postponed those depositions because
5 motions pending at that time affected the scope of Bonanza's claims and the scope of discovery.
6 The Parties have deferred scheduling depositions given the ongoing settlement discussions and
7 upcoming mediation on November 1. Additionally, the Parties wish to avoid deposing witnesses
8 twice, which might be needed depending on the resolution of the Pending Motions.

9 3. Expert Discovery.

10 The Parties anticipate serving rebuttal expert disclosures.

11 C. Pending motions.¹

12 1. The MillerCoors Motion for Partial Dismissal of Bonanza's First
13 Amended Complaint is currently pending before this Court. MillerCoors filed its motion on
14 January 22, 2019 [ECF No. 95] and it was fully briefed as of February 12, 2019 [ECF No. 109].

15 2. The MillerCoors Objection to Discovery Order dated January 22, 2019
16 [ECF No. 96] is currently pending before this Court. MillerCoors filed its Objection on
17 February 4, 2019 [ECF No. 102] and it was fully briefed as of February 19, 2019 [ECF No.
18 112]. On February 28, 2019 Magistrate Judge Foley partially stayed the Discovery Order
19 pending a ruling from the Court on MillerCoors Objection. [ECF No. 116.]

20 3. The MillerCoors Objection to Discovery Order dated April 17, 2019
21 [ECF No. 124] is currently pending before this Court. MillerCoors filed its Objection on May 1,
22 2019 [ECF No. 128] and it was fully briefed as of May 29, 2019 [ECF No. 132].

23 **II. STATEMENT OF GOOD CAUSE FOR EXTENSION.**

24 As described in the Parties' Joint Motion to Stay Discovery, the Parties have been
25 engaged in a sincere and good faith effort to settle this matter for the past several months. The
26 principals have had several in-person meetings and discussions regarding a resolution. Towards

27 _____
28 ¹ As described in the Parties' Joint Motion to Stay Discovery, the three pending motions may impact discovery, and
the Parties requested a stay remain in place after the mediation has concluded, until the Court rules on the partial
motion to dismiss and the discovery disputes. [ECF No. 134 at 4].

that end, the Parties had originally scheduled an in-person mediation in Las Vegas for November 1, 2019. The mediation date had to be moved to November 13, 2019, because of availability of the principals. As the mediation date is now 12 days later, the Parties stipulate to extend the deadlines under the Order correspondingly.

The extension of the previously granted stay will allow the Parties to continue these discussions and complete the mediation without simultaneously working on rebuttal expert disclosures and taking and defending depositions. Following the mediation, the Parties will file a joint statement by November 22, 2019, informing the Court of the outcome of the mediation.² Correspondingly, the Parties stipulate and request the Court stay discovery in this matter until and through November, 22, 2019.

III. CONCLUSION.

For the foregoing reasons, the Parties stipulate the deadlines under ECF No. 135 be extended as follows:

	<u>Original Date [ECF No. 135]</u>	<u>New Deadline</u>
Status Report	November 7, 2019	November 22, 2019
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² Pending the outcome of the mediation, and if necessary, the Parties would request a stay of the discovery deadlines until the Court rules on the pending motions described in Section I(C) *infra*, or alternatively, propose a schedule to the Court for the completion of the remaining discovery.

1 Correspondingly, the Parties also ask that the stay of discovery be extended until and
2 through November 22, 2019.

3 DATED this 16th day of October, 2019.

4 LEWIS ROCA ROTHGERBER CHRISTIE LLP SMITH LARSEN & WIXOM
5

6 /s/ E. Leif Reid

7 E. Leif Reid (SBN 5750)
8 Darren J. Lemieux (SBN 9615)
9 Marla J. Hudgens (SBN 11098)
10 Nicole Scott (SBN 13757)
11 One East Liberty Street, Suite 300
12 Reno, Nevada 89501

13 *Attorneys for Plaintiff*

/s/ Krystal Aspey Fleischmann

Christopher L. Benner (SBN 8963)
Hills Center Business Park
1935 Village Center Circle
Las Vegas, Nevada 89134
and

QUARLES & BRADY LLP

Brian A. Howie (*admitted pro hac vice*)
Krystal Aspey Fleischmann (*admitted pro*
hac vice)
Michael S. Catlett (*admitted pro hac vice*)
Two North Central Avenue
Renaissance One
Phoenix, Arizona 85004

Attorneys for Defendant

18 **ORDER**

19 **IT IS SO ORDERED:**

20 
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: October 18, 2019
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